

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  WOOLSTOCK FIBER COMPANY	DOCKET NOS. TCU-01-20 WRU-01-44-3308
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**ORDER GRANTING APPLICATION, APPROVING CONCURRENCE IN MAPS,  
AND GRANTING WAIVER**

(Issued December 12, 2001)

On September 19, 2001, Woolstock Fiber Company (Woolstock Fiber) filed an application for issuance of a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29 (2001). The application states Woolstock Fiber's intention to provide local exchange service to both business and residential customers throughout Iowa and specifically in the Webster City exchange served by Qwest Corporation (Qwest). The application has been identified as Docket No. TCU-01-20. Woolstock Fiber has provided the qualifications of its company officers and financial statements. Financial support will be provided by Woolstock Mutual Telephone Association. Woolstock Fiber commits to providing dialing parity on both intraLATA and interLATA basis by implementing a 2-PIC methodology.

Iowa Code § 476.29(2) provides that the local exchange carrier shall not be denied a certificate if the Utilities Board (Board) finds that the applicant "possesses the technical, financial, and managerial ability to provide the service it proposes to render and the Board finds the service is consistent with the public interest."

The Board has reviewed Woolstock Fiber's application and finds It satisfies the statutory standards.

Woolstock Fiber also states that its service area in the Webster City exchange will mirror the service territory of the exchange and service area map of Qwest as they are currently filed and as they may be modified in the future. Iowa Code § 476.29(4) requires that each certificate define the service territory in which land-line local telephone service will be provided and authorizes the Board to promulgate rules establishing requirements for filing maps showing the service territory. Subrule 199 IAC 22.20(3) requires that all utilities have on file with the Board maps, which show exchange boundaries. The Board finds that Woolstock Fiber has complied with the statutory and rule requirements by concurring in the exchange maps of Qwest.

Woolstock Fiber has also requested a waiver of 199 IAC 22.3(1). The waiver request was identified as Docket No. WRU-01-44-3308.

Subrule 199 IAC 22.3(1) requires local exchange utilities to publish telephone directories. The Board will grant the waiver based upon the statement of Woolstock Fiber that it will arrange for its customers to be included in the directory of the incumbent carrier.

Rule 199 IAC 1.3 states that the Board may grant waivers of its rules based upon clear and convincing evidence, that the application of the rule would pose an undue hardship, the waiver would not prejudice the substantial legal rights of any person, the provisions waived are not specifically mandated by statute, and substantially equal protection of public health, safety, and welfare will be afforded

after the waiver. The Board has considered the waiver request as described above and finds that the waiver meets the four criteria of the rule and evidence in support of the waiver is clear and convincing.

Adherence to this rule would be an undue hardship on Woolstock Fiber, just beginning to do business in Iowa because other competitive carriers have been granted similar waiver requests. The Board finds there are no substantial legal rights of any person that are affected by this waiver and there is no statute that specifically mandates the action waived. Additionally, the Board finds that there will be substantial equal protection for health, safety, and welfare provided since the action waived will be completed under different circumstances.

Woolstock Fiber has not filed proposed tariffs for Board approval setting out the prices, terms, specific exchanges, and conditions of local exchange service in Iowa. The Board finds that a certificate should not be issued to Woolstock Fiber until it has approved tariffs on file with the Board.

**IT IS THEREFORE ORDERED:**

1. The application for a certificate of public convenience and necessity filed by Woolstock Fiber Company on September 19, 2001, is granted, subject to the requirements that follow.

2. The Board will issue a certificate of public convenience and necessity allowing Woolstock Fiber Company to provide local exchange service upon approval of tariffs to reflect the prices, terms, exchanges, and conditions of local exchange

service in Iowa. At the time Woolstock Fiber Company files proposed tariffs with the Board, it must give notice to all affected local exchange carriers.

3. The concurrence in the maps and boundaries of the exchanges of Qwest Corporation is approved.

4. The waiver of 199 IAC 22.3(1) is granted as described in this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 12<sup>th</sup> day of December, 2001.